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Robert C Kowert Conley Rose & Tayon PC P O Box 398 Austin, TX 78767			ART UNIT 2154	PAPER NUMBER

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*Technology Center 2100*

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/557,068  
Filing Date: April 21, 2000  
Appellant(s): ALLAVARPU ET AL.

\_\_\_\_\_  
Robert C. Kowert  
For Appellant

**EXAMINER'S ANSWER**

1. This is in response to the appeal brief filed 2/22/05.

**Real Party in Interest**

2. Statement identifying by name the real party in interest is contained in the brief.

### **Related Appeals and Interferences**

3. The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **Status of Claims**

4. The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

### **Status of Amendments After Final**

5. The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

### **Grounds of Rejection to be Reviewed on Appeal**

6. The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

### **Claims Appendix**

7. The copy of the appealed claims contained in the Appendix to the brief is correct.

### **Evidence Relied Upon**

- |    |              |       |        |
|----|--------------|-------|--------|
| 8. | 6,282,579 B1 | Carre | 8-2001 |
|----|--------------|-------|--------|

**6,445,766**

**Shank et al.**

**9-2002**

### **Grounds of Rejection**

9. The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-6, 16-18, 20-21, 31-33 and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Carre (US 6,282,579).

Claims 1-2, 4-11, 13-17, 19-26, 28-32, 34-41 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Shank et al. (US 6,445,776 B1).

Claims 3, 12, 18, 27, 33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shank et al. (US 6,445,776 B1).

10. Claims 1-3, 5-6, 16-18, 20-21, 31-33 and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Carre (US 6,282,579).

11. As per claim 1, Carre teaches the invention substantially as claimed including a network management system [col. 1, lines 10-19] comprising:

a gateway [CMISE Gateway, Fig. 3a] which is coupled to one or more managed objects [col. 5, lines 2-23] and which is configured to deliver messages between the managed objects and one or more managers [Fig. 2b; Fig. 3a-3b; col. 3, lines 33-53; col. 5, lines 9-20]; and

a platform-independent interface [i.e., CMISE/IDL] to the gateway, wherein the gateway is configurable to communicate with the managers through the platform-independent interface to deliver the messages [col. 5, lines 25-33 & 60-65].

Wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager [col. 5, lines 49-59; col. 6, lines 30-35].

12. As per claim 2, Carre teaches that the selected format comprises text [col. 6, lines 30-35].

13. As per claim 3, Carre teaches that the selected format comprises Abstract Syntax Notation One (ASN1) [col. 1, lines 38-42].

14. As per claims 5-6, Carre teaches that the platform-independent interface to the gateway is expressed in an interface definition language, and wherein the interface definition language comprises a language for defining interfaces to managed objects across a plurality of platforms and across a plurality of programming languages, and the interface definition language comprises OMG IDL [col. 4, lines 7-13].

15. As per claims 16-18 and 20-21, since they are method claims of claims 1-3 and 5-6, they are rejected for the same basis as claims 1-3 and 5-6.

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16. As per claims 31-33 and 35-36, since they are program claims of claims 1-3 and 5-6, they are rejected for the same basis as claims 1-3 and 5-6.

17. Claims 1-2, 4-11, 13-17, 19-26, 28-32, 34-41 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Shank et al. (US 6,445,776 B1).

18. As per claim 1, Shank teaches the invention substantially as claimed including a network management system [col. 1, lines 13-18] comprising:

a gateway [220, 230, Fig. 2] which is coupled to one or more managed objects [i.e., data in different resources] and which is configured to deliver messages between the managed objects and one or more managers [210-216, Fig. 2; col. 4, line 65 – col. 5, line 12; col. 7, line 63 – col. 8, line 9]; and

a platform-independent interface [i.e., media service interface] to the gateway, wherein the gateway is configurable to communicate with the managers through the platform-independent interface to deliver the messages [col. 17, lines 26-37].

Wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager [col. 5, lines 39-50].

19. As per claim 2, Shank teaches that the selected format comprises text [228, Fig. 2].

20. As per claim 4, Shank teaches that the messages are communicated with the managers via Internet Inter-Object Protocol (IIOP) [col. 3, line 65 - col. 4, line 1].

21. As per claims 5-6, Shank teaches that the platform-independent interface to the gateway is expressed in an interface definition language, and wherein the interface definition language comprises a language for defining interfaces to managed objects across a plurality of platforms and across a plurality of programming languages, and the interface definition language comprises OMG IDL [col. 4, lines 7-13].

22. As per claims 7 and 8, Shank teaches that the managed objects comprise one or more objects corresponding to a telephone network [210, Fig. 2; col. 7, lines 20-24].

23. As per claims 9 and 10, Shank teaches that the gateway comprises a request gateway which is configured to deliver messages generated by the one or more managers to the one or more managed objects, and wherein the messages comprise requests for the one or more managed objects [col. 2, lines 64-67; col. 7, lines 43-46; col. 7, line 66 – col. 8, line 6].

24. As per claim 11, Shank teaches that the requests comprise a command to set one or more parameters of one of the managed objects [col. 10, lines 55-61; col. 17, lines 53-66].

25. As per claim 13, Shank teaches that the requests are converted from the interface definition language to a platform-specific format prior to delivery to the managed objects [col. 5, lines 39-50].

26. As per claim 14, Shank teaches that the gateway comprises an event gateway [234, Fig. 2], and the messages comprise events associated with the managed objects [col. 5, lines 5-12].

27. As per claims 15, Carre teaches that the events comprise an alert generated by one of the managed objects [col. 6, lines 59-61].

28. As per claims 16-17, 19-26 and 28-30, since they are system claims of claims 1-2, 4-11 and 13-15, they are rejected for the same reason as claims 1-2, 4-11 and 13-15 above.

29. As per claims 31-32, 34-41 and 43-45, since they are computer program claims of claims 1-2, 4-11 and 13-15, they are rejected for the same reason of claims 1-2, 4-11 and 13-15 above.

30. Claims 3, 12, 18, 27, 33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shank et al. (US 6,445,776 B1) as applied to claim 1-2, 4-11, 13-17, 19-26, 28-32, 34-41 and 43-45 above.



31. As per claims 3 and 12, Shank teaches the invention substantially as claimed in claim 1. Shank does not specifically teaches that the selected format comprises Abstract Syntax Notation One (ASN1) and the requests are converted from the interface definition language to a Portable Management Interface (PMI) format prior to delivery to the managed objects. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that utilizing art well-known specification language [e.g., ASN. 1] and particular interface format [e.g., PMI] in Shank's system for fulfilling the system requirement.

32. As per claims 18 and 27, since they are method claims of claims 3 and 12, they are rejected for the same basis as claims 3 and 27 above.

33. As per claims 33 and 42, since they are program claims of claims 3 and 12, they are rejected for the same basis as claims 3 and 12.

### **Response to Argument**

34. The examiner summarizes the various points raised by the appellant and addresses replies individually. In the Appeal Brief filed on February 22, 2005, appellant argues in substance that:

1) Carre dose not teach delivering the message for each manager in a format selected by that manager (see pages 5-7 and 8-9 of Brief).

2) Carre does not teach the selected format comprises text (pages 7-9 of Brief).

3) Shank does not teach delivering the message for each manager in a format selected by that manager (pages 11-13; 17 and 21 of Brief).

4) Shank does not teach the selected format comprises text (pages 13-14, 18 and 22 of Brief).

5) Shank does not teach a request message comprises a query for information concerning one of the managed objects (pages 14, 18-19 and 23 of Brief).

6) Shank does not teach the requests comprise a command to set one or more parameters of one of the managed objects (pages 15, 19-20 and 24 of Brief).

7) Shank does not teach the requests are converted from the interface definition language to a platform-specific format prior to delivery to the objects managers (pages 15-16, 20-21 and 24-25 of Brief).

8) Shank does not teach converting the requests from the interface definition language to a Portable Management Interface (PMI) format prior to delivery to the managed objects (pages 27-28 of Brief).

9) Shank does not teach the selected format comprises Abstract Syntax Notation One (ASN1) (pages 27-28 of Brief).

33. **In reply** to argument 1), Carre discloses delivering the messages to the manager in the format selected by the manager [i.e., through different interfaces GDMO++, GDMO/IDL] by gateways [CMISE of Fig. 3a; GDMO gateway of Fig. 3b]. In Carre's system, there is more than one gateway, each of them communicates to the manager via different interfaces. Those gateways perform the same function as the gateway

applicant claimed in claim 1. Thus, Carre does teach a gateway is configured to deliver the message for each manager in a format selected by that manager.

**In reply** to argument 2), Carre discloses sending the outcome message to the client based on what information required by the client in request message. All of these messages include context and related to different target object [i.e., different format]. Thus, Carre does teach the selected format comprises text.

**In reply** to arguments 3) and 4), Shank disclose providing services to clients through media, telephony and basic services interfaces. These interfaces performing message-delivering function as the gateway as applicant claimed. Furthermore, the services including text-to-speech services, speech recognition services, facsimile services, etc, the format or interface for each of these services are different, they are being selected by that deliver manager [i.e., player, recognizer, etc.; col. 5, lines 39-50; col. 17, lines 26-37]. Thus, Shank does teach a gateway is configured to deliver the message for each manager in a format selected by that manager and the selected format comprises text.

**In reply** to argument 5), Shank discloses the step of requesting the available resources by the user [i.e., managed objects] based on the interface type and properties [230, Fig. 2; col. 5, lines 13-26]. Thus, Shank does teach the requests comprise a command to set one or more parameters of one of the managed objects.

**In reply** to argument 6), Shank discloses the step of setting parameters for objects [i.e., session parameters] and calling the objects satisfy the request criteria [col. 10, lines 55-61].

**In reply** to arguments 7), 8) and 9), Shank discloses the step of communicating to different objects by different protocols which based on an industry standard. Furthermore, applicant admits Abstract Syntax Notation One (ASN1), which is used for defining the data types for object attributes, is a well-known industry standard. Thus, based on the concept and advantage of industry standard and ordinary skill in the art, ASN1 can be implemented in Shank's system. Finally, applicant fails to consider the teaching of Shank's reference for converting requests before delivering them to objects when the user and server in different process [col. 4, lines 35-40], the purpose of the conversion is to make the requests understandable by the receivers [i.e., objects], so what kind format the requests being converted to based on the receivers, they could be any industry standard formats, such as Portable Management Interface (PMI) format. Therefore, Shank does teach converting requests from the interface definition language to a platform-specific format prior to delivery to the managed objects.

#### **Related Proceeding(s) Appendix**

34. No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is respectfully submitted the rejection should be sustained.

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Respectfully submitted,

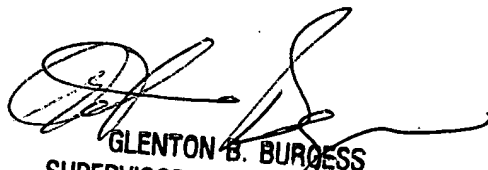
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